

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 10/774,907 CONFIRMATION NO. 8785  
APPELLANT: Paprotna  
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GROUP ART UNIT: 3673  
EXAMINER: Patel, Vishal A.  
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FOR: Seal Usable Between Thermally Movable Components

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DATE: January 25, 2008

**REPLY BRIEF**

Sir:

This Reply Brief is being filed in response to the Examiner's Answer dated November 27, 2007.

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## **I. STATUS OF CLAIMS**

Claims 1, 3-4 and 6-20 are pending in the patent application, and claims 1, 3-4 and 6-7 are rejected. Claims 2 and 5 have been canceled without prejudice, and claims 8-20 have been withdrawn. Claims 1, 3-4, 6 and 7 are being appealed.

## **II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The following grounds of rejection are requested to be reviewed on appeal. In particular, first, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,524,981 to *Hertz, Jr.* Second, the Examiner rejected claims 1-3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,975,844 to *Milazar*. Third, the Examiner rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Hertz, Jr.* and rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Milazar*.

### III. ARGUMENTS

#### I. REPLY TO EXAMINER'S RESPONSE REGARDING CLAIM 1

The Examiner labeled Figure 1 of *Hertz, Jr.* as including a first end with a first tooth. The Examiner stated that "*Hertz* discloses a first end, a second end, a first side and a second side, the first end having a 1<sup>st</sup> tooth and the second end having a 2<sup>nd</sup> tooth and the teeth extend towards each other . . . ." However, the end of the seal that the Examiner identified does not include a 1<sup>st</sup> tooth that extends from a first end. Rather, the first end includes grooves cut into an inner sealing surface. A tooth does not extend out from the first end. Rather, the first end of the seal disclosed in *Hertz, Jr.* is a smooth surface. The smooth surface includes grooves that are cut into the inner sealing surface. Those grooves do not form the claimed invention in which teeth extend out from the first end. Thus, *Hertz, Jr.* does not anticipate claim 1, and the Examiner is respectfully requested to withdraw the rejection.

#### II. REPLY TO EXAMINER'S RESPONSE REGARDING CLAIMS 1, 3 AND 6-7

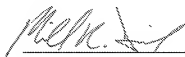
The Examiner stated that "Milazar teaches a seal element having a first side, a second side, a first end, and a second (end, sic), the first end having a tooth and the second end having a tooth and the teeth extending toward each other . . . ." Claim 1 states in relevant part "wherein the first and second sides have lengths longer than lengths of the first and second ends . . . ." However, the teeth of claim 1 extend from the first end, which is shorter

than the first side. *Milazar*, in contrast, discloses a plurality of teeth extending from a first side of a seal body, not teeth extending from a first end of a seal body. In addition, *Milazar* does not disclose curved teeth, as claimed in claim 7. Therefore, for at least these reasons, claim 1, and those claims depending therefrom, are not anticipated by *Milazar*, and the Examiner is respectfully requested to withdraw the rejection.

## CONCLUSION

For at least the reasons given above, claims 1, 3, 4, 6 and 7 define patentable subject matter and are thus allowable. The Applicant requests withdrawal of the rejections and allowance of the claims.

Respectfully submitted,



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